

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

RASHEEDAH HAMILTON,  
Plaintiff,

v.

MEALTHY, INC.,  
Defendant.

Case No. 1:22-cv-01459-SKO

**ORDER TO SHOW CAUSE WHY THE  
ACTION SHOULD NOT BE  
RECOMMENDED FOR DISMISSAL**

(Doc. 12)

**TWENTY-ONE DAY DEADLINE**

On November 10, 2022, Plaintiff filed the complaint in this action. (Doc. 1.) According to a proof of service filed February 6, 2023, Defendant was served on December 7, 2022. (Doc. 6.) To date, no responsive pleading has been filed.

On September 25, 2023, the Court issued an order noting that no responsive pleading had been filed, and ordering Plaintiff to file a status report by December 14, 2023, indicating whether they intend to prosecute this case. (Doc. 12.) Plaintiff did not file a status report by the deadline.

The Local Rules of the United States District Court for the Eastern District of California, corresponding with Rule 11 of the Federal Rules of Civil Procedure, provide, “[f]ailure of counsel or of a party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any and all sanctions . . . within the inherent power of the Court.” E.D. Cal. L.R. 110. “District courts have inherent power to control their dockets,” and in exercising that power, a court may impose sanctions, including dismissal of an action. *Thompson v. Housing Authority of Los*

1 *Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party's failure  
2 to prosecute an action, failure to obey a court order, or failure to comply with local rules. *See, e.g.*,  
3 *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an  
4 order requiring amendment of complaint); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th  
5 Cir. 1987) (dismissal for failure to comply with a court order); *Henderson v. Duncan*, 779 F.2d  
6 1421, 1424 (9th Cir. 1986) (dismissal for failure to prosecute and to comply with local rules).

7 **Accordingly, Plaintiff is ORDERED to show cause, within twenty-one (21) days of the**  
8 **date of service of this Order, why a recommendation should not issue for this action to be**  
9 **dismissed for Plaintiff's failure comply with the Court's order and for failure to prosecute**  
10 **their case.** Alternatively, within that same time period, Plaintiff may file a notice of voluntary  
11 dismissal. The Court further CAUTIONS Plaintiff that, if they fail to act within twenty-one (21)  
12 days of the date of service of this order, the Court will recommend to a presiding district court judge  
13 that this action be dismissed, in its entirety.

14  
15 IT IS SO ORDERED.

16 Dated: **December 18, 2023**

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE